

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:13-CR-00199-F-2

UNITED STATES OF AMERICA

v.

DAVID CHRISTOPHER MAYHEW,
Defendant.

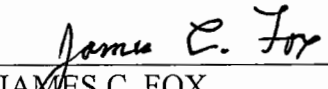
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ORDER

This matter is before the court *sua sponte*. This case is scheduled for a sentencing hearing on September 29, 2015. The court notes that on September 1, 2015, David Christopher Mayhew filed a *pro se* Notice of Appeal [DE-162]. In an abundance of caution, the court concludes that it lacks jurisdiction to sentence Mayhew at this time. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (“The filing of a notice of appeal is an event of jurisdictional significance-it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”) The Clerk is DIRECTED to remove Mayhew’s sentencing hearing from the court’s calendar and reschedule the sentencing hearing as soon as there is a mandate from the Fourth Circuit Court of Appeals.

SO ORDERED.

This, the 11th day of September, 2015.



JAMES C. FOX
Senior United States District Judge